

**To:** Petrow, Carol[petrow.carol@epa.gov]; Traver, Carrie[Traver.Carrie@epa.gov]; Martinsen, Jessica[Martinsen.Jessica@epa.gov]  
**From:** Kube, Peter R NAO  
**Sent:** Tue 12/9/2014 12:31:33 PM  
**Subject:** RE: Tri-City Properties LLC Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Carol, I am sad to hear you are moving on. I have always enjoyed working with you and admire your dedication to the environment.

Carrie, Welcome to 404 in Virginia. Please let me know how we can assist you in the review of the Tri-City project.

Thanks all.

Peter Kube, Chief  
Eastern Virginia Regulatory Section  
US Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510

Phone (757) 201-7504

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at <http://per2.nwp.usace.army.mil/survey.html>. We value your comments and appreciate your taking the time to complete the survey.

-----Original Message-----

From: Smith, Marshall T (Tucker) TAD  
Sent: Monday, December 08, 2014 11:53 PM  
To: Petrow, Carol  
Cc: Martinsen, Jessica; Traver, Carrie; Cotnoir, Audrey L NAO; Knepper, David A NAO; Kube, Peter R NAO  
Subject: RE: Tri-City Properties LLC Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Hi Carol,

I am sorry for not being able to return your call from last week, I am currently out of the country on TDY until the end of January.

As my home station job duties have changed as well, this project has been reassigned to Audrey Cotnoir. I will still be involved in the project to support the process, but I will not be the lead Project Manager.

I too appreciate all your time and energy spent in reviewing the pre-application package from Tri-City LLC, our many phone calls, and your site visit to the site in July with Charlie; and I definitely enjoyed working with you on this project.

We are still in the process of confirming the wetland delineation, and as soon as that is completed, we will

be ready for a public notice.

Take care and happy holidays!

Tucker

-----Original Message-----

From: Petrow, Carol [mailto:petrow.carol@epa.gov]  
Sent: Tuesday, December 09, 2014 12:34 AM  
To: Smith, Marshall T (Tucker) TAD  
Cc: Martinsen, Jessica; Traver, Carrie  
Subject: [EXTERNAL] Tri-City Properties LLC Update

Tucker

As a follow-up to my call last week requesting an update on the Tri-City application, I want to let you know that I am working in a different office and no longer handle 404 permit reviews in Virginia. These responsibilities have been assumed by Carrie Traver who is copied on this email. Effective immediately please coordinate all matters pertaining to Tri-City with her.

Thank you. I enjoyed working with you and appreciated your professionalism, thoroughness and dedication.

Happy Holidays!

Carol

-----Original Message-----

From: Smith, Marshall (Tucker) T NAO [mailto:Tucker.Smith@usace.army.mil]  
Sent: Tuesday, October 07, 2014 3:15 PM  
To: Petrow, Carol  
Cc: Lapp, Jeffrey; Martinsen, Jessica  
Subject: RE: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Great! Thanks:)

And we are still waiting for a revised wetland delineation from the consultant. I assume that I will receive it soon.

Tucker

-----Original Message-----

From: Petrow, Carol [mailto:petrow.carol@epa.gov]  
Sent: Tuesday, October 07, 2014 2:46 PM  
To: Smith, Marshall (Tucker) T NAO  
Cc: Lapp, Jeffrey; Martinsen, Jessica  
Subject: [EXTERNAL] RE: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

Tucker,

I received the email and review it again today.

The primary reason for the call was to respond the Corps' questions on the status of EPA's previous enforcement activity on the site. The summary you provided of our conversation (below) is consistent with my understanding. However, I am copying both Jeff Lapp and Jessica on my response in the event they would like to add a comment or clarify any points.

If you have any updates or questions, I'm available by phone or email today through Thursday.

Thanks.

Carol

U.S. Environmental Protection Agency  
3EA30  
1650 Arch Street  
Philadelphia, PA 19103  
Phone: 215-814-2789  
E-mail: petrow.carol@epa.gov

-----Original Message-----

From: Smith, Marshall (Tucker) T NAO [mailto:Tucker.Smith@usace.army.mil]  
Sent: Tuesday, October 07, 2014 1:30 PM  
To: Petrow, Carol  
Subject: RE: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Ok, that means that you did not get my phone summary email below?

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-----Original Message-----

From: Petrow, Carol [mailto:petrow.carol@epa.gov]  
Sent: Tuesday, October 07, 2014 1:29 PM  
To: Smith, Marshall (Tucker) T NAO  
Subject: [EXTERNAL] RE: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

petrow.carol@epa.gov

is my email. I don't know why it shows up underlined

-----Original Message-----

From: Smith, Marshall (Tucker) T NAO [mailto:Tucker.Smith@usace.army.mil]  
Sent: Tuesday, October 07, 2014 12:12 PM  
To: Petrow, Carol; Petrow, Carol  
Subject: FW: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Carol,

Did you receive this original email on August 21? I have 2 email addresses for you that auto populate in my outlook.

I am re-sending this email to both addresses:

Petrow.Carol@epamail.epa.gov

petrow.carol@epa.gov

Which email is correct?

Thanks

Tucker Smith, Chief  
Northern Virginia Regulatory Section  
Regulatory Branch  
U.S. Army Corps of Engineers, Norfolk District  
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Regulator of the Day (ROD) Help: (757) 201-7652

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-----Original Message-----

From: Smith, Marshall (Tucker) T NAO  
Sent: Thursday, August 21, 2014 11:23 AM  
To: 'Carol Petrow'  
Subject: Tri-City Properties LLC: Phone call follow up (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Hi Carol,

Great talking with you regarding the Tri-City Proposal this morning.

To summarize:

1. EPA Enforcement on the properties and the effect that will have on a COE permit decision: Ex. 5 - Deliberative Process

### **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

3. EPA will not prohibit the proposed on-site mitigation to be considered for the current proposal.

2. The COE is in the process of reviewing the submitted wetland delineation. The prior JD expired in January of 2012. The new JD will be evaluated under the 87 manual and the AGCP regional supplement.

The applicant contends that they should be allowed reliance upon the original JD as they have been in the permit process for 10 years. The COE received a wetland delineation in May of this year that include data collected on the old 87 manual data sheets, and a wetland line determined by 87 manual field indicators. The COE determined that the wetland delineation could not be confirmed unless the current field indicators were applied to the site, and recorded on the appropriate data sheets. I received the updated datasheets on June 09 and was able to schedule a site visit for July 7th and 8th.

3. The COE intends to

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

5. The COE is in the process of responding to a congressional inquiry received this week into the handling of this project, and once I have completed that response, we will be able to sit down with Jessica and Tom to discuss the project, process and next steps.

6. I will send you the wetland delineation submitted to the COE for review. After the COE completes the review of the delineation, I will provide you with my MFR for the JD, which will include any revisions or additional data sheets taken on the site.

If I missed anything, or got anything wrong, please let me know.

I will talk to you soon.

v/r

Tucker Smith, Chief  
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Regulatory Branch  
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